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No. 403

In the Supreme Court of the United States

OCTOBER TERM, 1959

MARINE COOKS & STEWARDS, AFL, ETC., ET AL.,
PETITIONERS

v.

PANAMA STEAMSHIP COMPANY, LTD., ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES AS AMICUS CURIAE

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Solicitor General,
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MEMORANDUM FOR THE UNITED STATES AS AMICUS CURIAE

Petitioners, for the first time on petition for rehearing in the court below and again in their brief in this Court, have attempted to establish that there are American interests involved in the chartering of the vessel in this case, and from this factual assertion petitioners apparently seek to cast doubt on the nationality of the vessel. It should be noted initially, with regard to petitioners' statement of American interests, that this allegation is unsupported in the findings and conclusions of the district court, which, to the contrary, found that the owner, the time charterer, and the crew of the NIKOLOS were all foreign entities, that the crew had signed on under

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foreign shipping articles, and that the vessel was duly registered as a foreign merchant vessel under the laws of Liberia (R. 31–34). No finding was made of American ownership or participation in the chartering arrangements, nor did petitioners in any way object to the lack of such a finding. It was not until after full hearing and disposition of the case in the Court of Appeals, that, in a petition for rehearing, petitioners sought to raise the question of American control; the Court of Appeals deferred consideration of this issue and left it for hearing when and if a permanent injunction were sought (R. 154–155).

Greatly concerned by any possible failure to recognize that the NIKOLOS is a vessel of Liberia, properly registered under its laws, the Government of Liberia has requested the United States Department of State to bring certain matters to this Court's attention. In an Aide-Mémoire, transmitted to the Department of State under date of February 8, 1960, the Government of Liberia has made plain its conviction that under Article XV of its Treaty of Friendship, Commerce and Navigation[1] with this country, the flag and registry of a vessel, in this case those of Liberia, are determinative with regard to its nationality. Article XV provides:

> Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial

[1] The Treaty was signed on August 8, 1938, taking effect on November 21, 1939. T.S. No. 956, 54 Stat. 1739, 1745.

> waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the Party whose flag is flown.

The Government of Liberia also wishes the Court to take notice of its requirements for registration of vessels, included as Appendix B, *infra*, pp. 9–26.

In forwarding this information to the Solicitor General for presentation to the Court, in its letter of February 17, 1960 (Appendix A, *infra*, pp. 6–8), the Department of State has clearly indicated its full support of the treaty interpretation held by the Liberian Government. In addition, the Department of State asserts that its view that nationality of a vessel follows flag and registry is "the basis for the United States' support of the position of Liberia in a proceeding pending before the International Court of Justice relating to the advisory opinion requested of that Court by the Assembly of the Inter-Governmental Maritime Consultative Organization on the Constitution of the Maritime Safety Committee" (Appendix A, *infra*, pp. 7–8).

Article XV of the treaty with Liberia, and comparable provisions, identifying a vessel's nationality with its flag and registry are common to many Treaties of Friendship, Commerce and Navigation between the United States and other nations,[2] and

[2] *E.g.*, Treaty with the Netherlands, signed on March 27, 1956 (Article XIX), 8 U.S.T. 2043, T.I.A.S. No. 3942; with Nicaragua, January 21, 1956 (Article XIX), 9 U.S.T. 449, T.I.A.S. No. 4024; with Iran, August 15, 1955 (Article X), 8 U.S.T. 899, T.I.A.S. No. 3853; with the Federal Republic of Germany, October 29, 1954 (Article XIX), 7 U.S.T. 1839, T.I.A.S. No. 3593; with Japan, April 2, 1953 (Article XIX), 4 U.S.T. 2063, T.I.A.S.

are consonant with principles of settled international law. According to this law, a vessel holds but one nationality which must be most easily ascertainable to provide the fullest measure of international public order. And because it is the sole means for such ascertainment, registration has been accepted as the test of nationality.[3]

In filing this memorandum, the United States takes no position on any of the other issues in this case, nor does it wish to suggest that the principle that the nationality of a vessel follows its flag and registry is dispositive of or controlling on the result of the case. It merely wishes to make clear to the Court, in view of petitioners' belated attempt to raise this particular

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No. 2863; with Israel, August 23, 1951 (Article XIX), 5 U.S.T. 550, T.I.A.S. No. 2948; with Greece, August 3, 1951 (Article XXI), 5 U.S.T. 1829, T.I.A.S. No. 3057; with Ireland, January 21, 1950 (Article XVIII), 1 U.S.T. 785, T.I.A.S. No. 2155; with Italy, February 2, 1948 (Article XIX), 63 Stat. 2255, T.I.A.S. No. 1965; with China, November 4, 1946 (Article XXI), 63 Stat. 1299, T.I.A.S. No. 1871; with Finland, February 13, 1934 (Article XV), 49 Stat. 2659, T.S. No. 868; with Norway, June 5, 1928 (Article X), 47 Stat. 2135, T.S. No. 852; with Honduras, December 7, 1927 (Article X), 45 Stat. 2618, T.S. No. 764.

[3] Rienow, *The Test of the Nationality of a Merchant Vessel* (1937), 218; Colombos, *The International Law of the Sea* (3d rev. ed., 1954), 216–217; Briggs, *The Law of Nations* (2d ed., 1952), 331; Comment, *The Effect of United States Labor Legislation on the Flag-of-Convenience Fleet: Regulation of Shipboard Labor Relations and Remedies Against Shoreside Picketing*, 69 Yale Law Journal 498, 510 (January, 1960).

question, the position on this issue taken by the United States and Liberia.

Respectfully submitted.

J. LEE RANKIN,
Solicitor General.
GEORGE COCHRAN DOUB,
Assistant Attorney General.
SAMUEL D. SLADE,
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Attorneys.

FEBRUARY 1960.

APPENDIX A

THE LEGAL ADVISER
DEPARTMENT OF STATE
WASHINGTON

FEBRUARY 17, 1960.

The Hon. J. LEE RANKIN,
Solicitor General, Department of Justice.

DEAR MR. SOLICITOR GENERAL: By Aide-Mémoire dated February 8, 1960, the Embassy of Liberia sought the assistance of this Department in bringing certain matters to the attention of the Supreme Court of the United States in connection with the case of *Marine Cooks & Stewards* v. *Panama SS Co.* (Docket Number 403), now awaiting argument in the Court.

The specific problem with which the Embassy of Liberia is concerned is this. In earlier phases of the litigation the lower courts gave recognition to the flag and registry of the vessel involved, the NIKOLOS, treating her as a Liberian vessel. The Court of Appeals for the Ninth Circuit described the NIKOLOS as a "* * * vessel lawfully registered with a friendly nation manned by an alien crew under foreign shipping articles." As stated in the Aide-Mémoire, the Embassy of Liberia is now informed and believes that the right of recognition and status of Liberian registry will be put in issue by the petitioners. The Embassy may have reference to the discussion contained on pages 4 and 5 of the Brief for Petitioners, and Appendix B thereto.

After noting the recognition of the status of the NIKOLOS by the lower courts and the possibility that

this question of status may now be put at issue in the Supreme Court, the Embassy of Liberia feels it essential that the Supreme Court have before it the controlling provision of the Treaty between the Republic of Liberia and the United States of America, signed on August 8, 1938, 54 Stat. 1739. This provision, in Liberia's view, is Article XV, which provides:

> Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the Party whose flag is shown.

Additionally, the Embassy of Liberia desires that the Supreme Court have before it the requirements for ship registration under the Liberian flag, contained in the enclosed official document of the Government of Liberia entitled "The Liberian Maritime Programme". The Embassy has therefore requested that the Department of State request that Article XV and the contents of the enclosed document be brought to the attention of the Court.

This Department is of the opinion that, both as required by Article XV of the above-mentioned Treaty between the Republic of Liberia and the United States and as a rule of international law, a vessel flying the Liberian flag and carrying the papers required by Liberian law, such as the NIKOLOS, must be recognized by the United States as a Liberian vessel both within the territorial waters of the United States and on the high seas. This rule that ships have the nationality of the State whose flag they are entitled to fly forms the basis for the United States' support of the position of Liberia in a proceeding pending before the International Court

of Justice relating to the advisory opinion requested of that Court by the Assembly of the Inter-Governmental Maritime Consultative Organization on the Constitution of the Maritime Safety Committee.

Accordingly, it is respectfully requested that you bring Article XV of the above-mentioned Treaty and "The Liberian Maritime Programme" and the above views of this Department to the attention of the Supreme Court in connection with its consideration of the case of *Marine Cooks & Stewards* v. *Panama SS Co.*

Very truly yours,

/s/ Eric H. Hager,
The Legal Adviser.

Enclosure:
1. "The Liberian Maritime Programme".

APPENDIX B

THE LIBERIAN MARITIME PROGRAMME

The Maritime Programme, as established by the Liberian Maritime Laws and Regulations and as further implemented by the administrative policies of the offices of the Commissioner and Deputy Commissioners of Maritime Affairs, provides for a system whereby Liberian Flag vessels must meet and constantly maintain the highest standards possible. These standards, prescribed by the Liberian Maritime Laws and Regulations and the International Conventions ratified by Liberia, must not only be met for purposes of registration but also for the continuing maintenance of registration of vessels under the Liberian Flag.

(A) *Liberian Registration Requirements*

Registration requirements are set forth in Sections 56 and 66 of the Liberian Maritime Law, as amended (formerly the Liberian Maritime Code), hereinafter referred to as "the Maritime Law". In essence, these Sections require the submission to the Commissioner or a Deputy Commissioner, by the applicant for registration, of satisfactory proof as to (1) ownership of the vessel; (2) proof of seaworthiness; (3) in the case of transfer from a foreign flag, consent of the government concerned and cancellation from the foreign registry; (4) payment of proper fees and taxes.

(1) *Ownership*

Every effort is made to encourage the ownership of vessels by Liberian citizens (corporations, part-

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nerships or in individuals). Official policy is to require Liberian ownership of vessels under 1600 net tons. As at October 31, 1959, out of a total of 360 vessels of 4,517,871 gross tons registered since 1957, 186 vessels of 2,507,447 gross tons were owned by Liberian nationals.

(2) *Proof of Seaworthiness*

Recognizing that classification with a reputable Classification Society has long been accepted as the most satisfactory proof of seaworthiness by maritime nations, insurance companies and underwriters, shipowners, purchasers and sellers of vessels and others directly interested in maritime matters, the Republic of Liberia in Regulations 2.2 and 2.7 of the Maritime Law accepts classification as evidence that a vessel is in seaworthy condition. Five of the leading Classification Societies have been designated as the only Societies with whom classification will be accepted. These Classification Societies are:

American Bureau of Shipping
Bureau Veritas
Det Norske Veritas
Germanischer Lloyd
Lloyd's Register of Shipping.

Classification is not only a prerequisite for registration, but failure to maintain class, once registered, makes the vessel liable to loss of registration. This statutory requirement of seaworthiness goes beyond the requirements of many other maritime nations.

(3) *Transfer from foreign flag*

Where a vessel is being transferred from a foreign registry, the required proof of permission and cancellation that is submitted must expressly affirm that the vessel is to be registered under Liberian Flag in the name of the applicant. This is, of course, consistent with accepted international principles that

a vessel may not have at any time more than one registry. It is also acknowledgment by the government of the former registry of the effective transfer of the registry.

(4) *Other factors affecting registration*

Mere compliance with the basic requirements of the above Sections of the Maritime Law and Regulations does not mean automatic acceptance for registration. Factors such as ownership, age, type or size of the vessel, or proposed trade may operate to make the vessel undersirable and, as a result, the application will be refused. Liberia has one of the most modern fleets with respect to age, size and type of vessel, and every effort is made to see that this is continued. Applications involving older vessels are usually refused. Thus, of the 4,517,871 gross tons registered under Liberian Flag from July 1, 1957, to October 31, 1959, only 4% (approximately) were built prior to 1942. Moreover, approximately 74.8% of this total registration, or 3,380,675 gross tons, are less than three years of age.

(B) *Compliance with International Conventions*

In addition to the prerequisite of classification denoting seaworthiness, all Liberian vessels are required to comply fully with all the applicable requirements of the International Conventions to which the Republic of Liberia is or may become a signatory. Among the International Conventions which Liberia has ratified and incorporated into its laws, are the following:

International Convention for the Safety of Life at Sea, 1948

International Load Line Convention, 1930

International Telecommunication Convention, 1947.

Regulation 2.8 provides that, if a vessel fails to comply with the applicable requirements of these International Conventions, the Commissioner or a Deputy Commissioner of Maritime Affairs may cancel the vessel's Certificate of Registry or impose such other conditions as may be required.

The Republic of Liberia issues a number of Certificates required by the above-mentioned International Conventions. These documents include:

(1) *Liberian International Load Line Certificate.* This Certificate is issued in the form and manner prescribed by the International Load Line Convention, 1930. The Classification Societies, mentioned previously, acting on behalf of the Republic of Liberia, assign load line and freeboards in accordance with the Rules established in the Convention. Inasmuch as the Convention makes the assignment of load line conditional upon the ship being structurally efficient and effective protection being provided for ship and crew, such assignment is made only after extensive surveys. The Load Line Certificate is valid for a term not exceeding five years. Renewal of a Liberian Load Line Certificate by the issuance of a new Certificate may be effected only after a survey no less complete than the initial survey.

Inasmuch as full responsibility for Certificates issued under the Convention rests with the Government on whose behalf such Certificates are issued, the Republic of Liberia also requires annual load line inspections to ensure that the hull and superstructures have not been altered and that the fittings and appliances specified in the Convention are maintained as required throughout the term of the Load Line Certificate. Copies of Liberian Load Line Certificates and Annual Load Line Inspection Reports are filed with the offices of the Commissioner and the Deputy

Commissioners. The Deputy Commissioner's office reviews such Certificates and Reports and keeps a record of the dates of expiration of the Load Line Certificates in order to keep control over the owners' compliance with the requirements concerning surveys to be carried out and Certificates to be issued or renewed.

(2) *Liberian Safety Equipment Certificate.* This Certificate is required by the International Convention for the Safety of Life at Sea, 1948. The Certificate is issued by the proper Classification Society when the necessary surveys set forth in the Convention, with respect to structural efficiency, life-saving equipment and other matters, have been completed. The Certificate is issued in the form and manner prescribed by the Convention and is valid for a term not exceeding two years. Renewal of a Liberian Safety Equipment Certificate may be effected only after a survey no less complete than the initial survey. Where the Convention requires types of approved equipment, generally accepted international standards must be satisfied. Exemptions from any requirements of the Convention with respect to this particular Certificate or any other Certificates mentioned herein may not be granted by the Societies unless specifically approved by the Commissioner or a Deputy Commissioner. Any such exemptions are kept at a minimum and are granted only where warranted within the scope and intent of the Convention. Copies of the Liberian Safety Equipment Certificates are filed with the office of the Commissioner and the Deputy Commissioners, which reviews such Certificates and keeps a record of the dates of expiration to see all requirements are constantly met. This Certificate is also checked against the other registration documents to see that there is no variation between them. For example, if the Cer-

tificate shows life-saving equipment for a lesser number of personnel than indicated in the application for registration, immediate steps are taken to ascertain the correct facts.

(3) *Liberian Safety Radiotelegraphy or -telephony Certificate.* This Certificate is also issued by the proper Classification Society in accordance with the rules established by the International Convention for the Safety of Life at Sea, 1948. It is issued in the form and manner prescribed by the Convention and valid for a term not exceeding one year. It is issued only after an extensive survey of the radio, telegraphy and/or telephony equipment on board the vessel. Renewal of the Liberian Safety Radiotelegraphy or -telephony Certificates may be effected only after a survey no less complete than the initial survey. This Certificate, and all the other Certificates referred to herein, are reviewed by the Deputy Commissioner's office, and schedules of the dates of expiration are kept in order to keep control over the requirements and to see that the necessary surveys are carried out and the Certificates issued or renewed.

(4) *Liberian Safety Certificate.* This Certificate is also issued pursuant to the rules and requirements set forth in the International Convention for the Safety of Life at Sea, 1948. This Certificate is issued only with respect to passenger ships, and is issued in lieu of the Safety Equipment and Safety Radiotelegraphy Certificates. The same review and schedules are kept in connection with this Certificate as mentioned above in connection with other Certificates.

(5) *Liberian Certificate of Measurement.* All Liberian Flag vessels are required to have a Liberian Certificate of Measurement. Regulation 2.3 adopts, as a standard of measurement for vessels under Liberian Flag, Title 19, Part 2, of the Code of Federal

Regulations of the United States of America. In this connection, all Classification Societies acting for and on behalf of the Republic of Liberia have been instructed with respect to this requirement. Any time a change is made with respect to the vessel affecting its measurement, such change must be communicated immediately both to the Classification Society and to the Office of the Deputy Commissioner of Maritime Affairs in New York.

The vessel's structure and equipment thus must meet the requirements set forth in the above-mentioned International Conventions. New-buildings to be registered under Liberian Flag are in accordance with the International Conventions surveyed during construction by Classification Societies acting on behalf of the Republic of Liberia, and the required Classification Certificates are issued upon completion of construction of the vessels. Vessels being transferred from the registry of a nation that is a signatory to both the International Load Line Convention and the Convention for the Safety of Life at Sea, 1948, have already met all the applicable requirements of the Conventions and are therefore in possession of all the required Certificates issued pursuant to those Conventions. Although these vessels are eligible at the time of registration for the corresponding Liberian Certificates, because of the nature of the shipping industry it is not always physically possible to have the then current Certificates available to the Commissioner or Deputy Commissioner; accordingly, subject to compliance with other requirements, the vessels are issued Provisional Certificates of Registry. The Permanent Certificate of Registry is issued after the necessary Liberian Certificates have been prepared and issued. However, the issuance of a Provisional Certificate of Registry does not mean that a vessel is

being registered conditionally or provisionally, with any requirements either waived or disregarded. If, however, the vessel is being transferred from a nation that is not a signatory to these Conventions, the vessel will not be registered until it has first been surveyed by the proper Classification Society and all Liberian Certificates issued in accordance with the International Conventions.

In the issuance of the various Certificates required by the International Conventions mentioned above, the Republic of Liberia has appointed and authorized the five Classification Societies mentioned above to conduct, on its behalf, all the necessary surveys enumerated by the International Conventions and, if the vessels are found to comply fully with the requirements set forth therein, to issue for and on behalf of the Republic of Liberia the necessary Liberian Certificates. The use of these Classification Societies has enabled the Republic of Liberia to have available for its immediate use worldwide organizations of technical experts whose knowledge, ability and integrity are beyond reproach. This is in clear contrast with the position in a number of the so called traditional maritime nations, where the departments or branches of government concerned with such inspections and surveys are restricted to the territorial limits of that particular country or its possessions.

(C) *Additional Standards*

In many cases, Liberian Flag vessels are required to meet standards above and beyond those called for by these International Conventions. For example the International Load Line Convention provides for the issuance of a Load Line Certificate valid for five years and, further, calls for "periodic inspections". Although some signatories to the Convention have interpreted "periodic inspections" as referring to periods

far in excess of one year, all Liberian Flag vessels must have such inspections conducted on an annual basis. Another example is Regulation 51 of the International Convention for the Safety of Life at Sea, 1948, which requires an alternate means of firefighting equipment for new vessels. Liberia makes this a requirement not only for new vessels, but also for existing vessels. With respect to radio, although the International Convention for the Safety of Life at Sea, 1948, permits any Authority, in respect of vessels over 1600 net tons but less than 5500 gross tons, to allow less than eight hours of listening time by operators, the Republic of Liberia always requires that all such vessels under its Flag must at all times provide at least eight hours of listening time by an operator.

(D) *Further Controls*

(1) *Ship Radio Station License.*

Another document to be submitted for registration is the Application for Ship Radio Station License. This license application is carefully scrutinized and the equipment and items appearing thereon are thoroughly checked against the list of modern and up-to-date equipment maintained on file in the Office of the Deputy Commissioner in New York. Where appropriate, the items on the application are also checked against the date as shown on the Liberian Safety Radiotelegraphy Certificate. The Ship Radio Station License is valid for three years and, upon expiration, a new license is issued only upon the submission of a new application. The purpose of requiring a new application is to provide a system whereby a check is maintained so as to see that the radio equipment is being maintained properly.

When the application for registration has been thoroughly checked and approved, the vessel is assigned an Official Number and Radio Call Letters.

These Radio Call Letters are in the first instance allocated to the various countries by the International Telecommunication Union located in Geneva. Blocks of letters are assigned and reserved for the various countries. Originally, Liberia had been assigned the ELAA through ELZZ and 5LAA through 5LZZ blocks. Because of the large registration under Liberian Flag, these blocks have been almost exhausted and, at the request of Liberia, the ITU has issued 5MAA through 5MZZ.

(2) *Licenses and Examinations.*

Liberia's comprehensive system of licensing deck, engineering and radio officers has been acclaimed throughout the shipping industry as one of the finest. Examinations may be taken at any one of the numerous examination centres conveniently located throughout the world. Also, Radar Observers Certificates are issued to qualified masters and deck officers holding Liberian Officers' Licenses of Competence upon successful completion of a comprehensive written examination. Examinations for the certification of efficient lifeboatmen have been provided. All form a part of Liberia's determined programme to enforce the higher standards of safety and competency aboard ships flying the Liberian Flag. In an article on September 28, 1958, the "New York Times", commenting on the Liberian licensing system, reported, "Independent operators and marine insurance underwriters agreed last week that the tests equal the toughest and best controlled examinations given by any of the traditional maritime nations".

(a) *Licenses of Competence.*

Section 290, Chapter 10, of the Liberian Maritime Law requires all officers on board Liberian Flag vessels to have Liberian Licenses of Competence to fill the respective positions in which they are serving.

This is a requirement which must be met, and neither the Commissioner nor a Deputy Commissioner will issue any waiver in connection therewith. Firm control over the issuance of officers' licenses is established and maintained by permitting such licenses to be issued only by the Commissioner or a Deputy Commissioner.

Regulation 1.5 provides that a Liberian license may be issued either (1) on the basis of a license issued by another recognized maritime nation or (2) upon the successful completion of a comprehensive written examination.

(*i*) *License without examination*

When issued on the basis of a license of another recognized maritime nation, such nation itself must have required for the issuance of its own license the passing of a comprehensive written examination, coupled with substantial medical, physical, moral and practical sea experience requirements. The applicant for the Liberian license must file a comprehensive application on a required form together with a thorough medical report on the stationery of a recognized physician, two letters of recommendation, one from a company who had employed him in the past and one from a senior officer under whom he had served aboard the vessel, three photographs of himself, two photostats of his non-Liberian license and a nominal fee. The non-Liberian license must be still valid and outstanding and, in addition, the applicant must prove that he has been to sea in that capacity within the past five years. The application, together with the accompanying documents and papers, is carefully scrutinized and investigated and, if found to meet the necessary requirements, the proper Liberian License of Competence is issued. This license will be in the same grade only as the non-Liberian

license submitted. If the non-Liberian license had noted on it any restrictions, such as limitations as to tonnage, horsepower or trading area, the same restrictions will be stated in the Liberian license.

(ii) License by examination

Where the applicant is seeking a Liberian license on the basis of the comprehensive Liberian written examination he must first satisfy requirements with respect to experience, medical, physical and moral standards. The Liberian system of examinations was devised as the result of many meetings and discussions with a committee of shipowners, operators, officers and other parties experienced in maritime matters. These meetings were called by the Deputy Commissioner in New York expressly for this purpose, and the examinations which were finally set up are most comprehensive, covering every subject that the officer should and must know, be he serving in the deck, engine or radio department. With respect to deck officers, the subjects covered include:

Navigation
International Rules of the Road
Cargo Handling and Stowage
Instruments and Accessories
Seamanship
Chart Navigation
Sea Terms and Definitions
Ocean winds, weather & currents
Rules and Regulations
Firefighting
Lifesaving
Radar Navigation
Signalling
Star Identification
Aids to Navigation

In connection with engine officers, the subjects covered include:

Marine Boilers
Turbines
Electricity
Refrigeration
Diesel Engines
Engineering Mathematics
Rules and Regulations
Firefighting

With respect to radio operators, the subjects covered include:

International Regulations
Taxation of Telegrams
"Q" Code
Frequency Allocations
International Publications
Basic Operator Procedure
Radar
Basic Electricity
Radio Tubes
Transmitting and Receiving Telegraphy and Telephony
Radio direction finders
Practical Operation of equipment, including starting, stopping, tuning, transmission and receiving

(b) *Examination Procedure:*

The examination itself takes from three to five days, depending upon the applicant's ability. A set formula has been established in so far as the requirements of previous experience are concerned. Thus, in order to take the Master's examination, the applicant must be a holder of a first mate's license issued by Liberia or another recognized maritime nation and must while the holder of such license,

have served either one year as a first mate or two years as a second mate.

In view of the short time spent in any port, especially in the case of tankers, it would be most difficult for some applicants to spend three to five days in port for examination purposes. For this reason, in addition to facilities for examination set up throughout the world, part of the examination (except in the case of Masters and Chief Engineers) can be taken on board a vessel.

The Republic of Liberia fully realizes the importance of proper controls and safeguards over the examination. To this end special procedures have been devised for examinations on board ship with instructions to Masters, under whose directions or in whose presence the examinations are conducted and who return affidavits as to freedom from assistance and time taken. Moreover, in such situations a second, shorter, but nevertheless comprehensive, examination must be taken at one of the designated port facilities.

Besides being avaialable on Monrovia and New York, facilities for the deck and engineering examinations as provided by three of the Classification Societies who are acting as agents for the Republic of Liberia in connection with the issuance of the Liberian Certificates required by the International Conventions. These Classification Societies are:

American Bureau of Shipping
Bureau Veritas
Lloyd's Register of Shipping

The radio examination which, in every case, must be taken at a shore facility, is given at facilities provided by Société Anonyme Internationale de Télégraphie Sans Fil (S.A.I.T.) and its affiliates.

All the examinations are prepared in the office of the Deputy Commissioner of Maritime Affairs in New

York and returned to this same office upon completion. When returned, they are turned over to a Board of Examiners for grading and recommendations. Acting upon these recommendations, the Deputy Commissioner then proceeds to issue the license, if warranted.

Because of the control exercised over the examination, the type of examination itself, the subject-matter covered, and the accompanying experience, medical, physical and moral requirements, shipowners, operators, insurance company adjusters, shipping men in general and officers have a high regard for the Liberian licenses.

(3) *Radar Observer Certificates.*

Radar Observer Certificates are issued only to qualified masters and deck officers holding Liberian Officers' Licenses of Competence. These Certificates are issued only upon the successful completion of comprehensive examinations which embrace basic radar theory, operation, use, interpretation and plotting.

(4) *Certification of Lifeboatmen.*

The Republic of Liberia requires that all passenger ships flying its Flag have the proper number of certified lifeboatmen in accordance with the International Convention for the Safety of Life at Sea, 1948. The seamen are examined both orally and by a written examination and also put through practical tests with respect to lowering, raising and manning lifeboats and with respect to lifesaving equipment. These lifeboatmen certificates may be issued only by the Commissioner or the Deputy Commissioner. When the examination is completed, the examiner submits his reports and recommendations to the Deputy Commissioner, who then takes appropriate action.

(5) *Casualty Reports.*

Regulation 1.8 provides that, in the event of any casualty on board a Liberian vessel involving loss of life or loss or damage to property, estimated to be in excess of $50,000, the Master shall promptly forward a report thereon, signed by him, to the Commissioner of Maritime Affairs and to the Deputy Commissioner of Maritime Affairs at New York. Such report shall set forth the name and Official Number of the vessel, the type of the vessel, the name and address of the owner, the date and time of the casualty, the exact locality of the casualty, the nature of the casualty, and the circumstances under which it took place. If the casualty involves collision with another vessel, the name of such other vessel shall be provided. Where the casualty involves a loss of life, the names of all persons whose lives are lost shall be provided, and where damage to property is involved, the nature of the property damaged and the then estimate of the extent of the damage shall be supplied. This requirement goes beyond what is required by a number of other maritime nations.

(6) *Officer's Questionnaire.*

The Master of every vessel must complete a Questionnaire with respect to the officers serving on board the vessel, giving in detail the individual's name, the position held, the Liberian and non-Liberian license he has and also data with respect to the watches maintained. This report must be submitted on an annual basis.

(7) *Documents furnished Master.*

Upon registration of a vessel under Liberian Flag, the Master is handed a letter with enclosures. These enclosures include:

1. The Liberian Maritime Law (Form RLM–107)
2. Liberian Regulations (Form RLM–108)

3. Pamphlet entitled "Regulations for Preventing Collisions at Sea" (Form RLM–111)
4. Blank Reports of Maritime Casualty or Accident (Form RLM–109)
5. Notice to Navigators
6. Four copies of Oath of Master (Form RLM–113)
7. Officer's Questionnaire

(8) *Ship's Files.*

Once registered, up-to-date files on every Liberian vessel are kept in the Office of the Commissioner in Monrovia and also in the Office of the Deputy Commissioner in New York. All documents, correspondence and Certificates relating to the particular vessel are kept in these individual ship files. In addition, current schedules are maintained as to all Certificates outstanding as to any particular vessel in order that the owner or agent of such vessel be informed sufficiently in advance with respect to the pending expiration of any Certificate and the need for renewing a Certificate. Any unreasonable delay in the carrying out of the surveys required for the renewal of the Certificates could result in the striking of the vessel from Liberian registry.

(E) *Participation in International Maritime Affairs*

Liberia has by no means neglected its responsibilities and duties in the community of nations. For example, in April 1958 Liberia joined the North Atlantic Ice Patrol and agreed to share the cost of operation and maintenance of this service, based on its percentage of the total tonnage navigating the waters concerned, in the same manner and on the same basis in which fourteen other countries belonging to the Patrol share the expense. As a result, Liberia's assessment for the 1958 season was the second highest of all countries (a fraction less than the highest, the

United Kingdom). The North Atlantic Ice Patrol was set up by leading maritime Nations after the "Titanic" disaster to provide protection from the danger of icebergs to shipping on the North Atlantic route between Europe and the United States.

Liberian delegates have attended and actively participated in such international conferences as the Law of the Sea Conference held in Geneva in 1958, the Maritime Session of the Convention of the I.L.O. in 1958, and the Intergovernmental Maritime Consultative Organization's first meeting in London in January 1959.

Liberia was also invited to be a member of the Sub-Committee on Tonnage and Measurements of the I.M.CO. Maritime Safety Committee. The Government of Liberia accepted this invitation, subject to reservation of its position in relation to the validity of the election to the Maritime Safety Committee held on January 15, 1959; and it has since actively participated in the work of the Sub-Committee. Liberia will be participating in the Safety of Life at Sea discussions schedules for 1960 and in the Load Line discussions originally scheduled for the same time but now being deferred at the request of the United Kingdom Government.

Liberia is also a member of the United Nations and is an active participant in many branches of the United Nations and the technical organizations which are affiliated with the United Nations. In addition, Liberia has throughout the years concluded a number of treaties of friendship, commerce and navigation with other countries, including the United States, the United Kingdom, Spain, France, Belgium, West Germany and Ethiopia.

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